

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Highmore-Harrold School District
Accountability Review - Monitoring Report 2011-2012**

Team Members: Chris Sargent, Team Leader; Donna Huber, Wendy Jarvis, Team Members

Dates of On Site Visit: January 10, 2012

Date of Report: February 4, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;

- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:25:01. Evaluation, consent, eligibility, and placement procedures required. Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

ARSD 24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Evaluations were administered in areas that were not included on the parental prior notice/consent.

Student:	Required Action:	Data To Be Submitted:
Student #1: This student was identified under the category of emotional disturbance (505). During the 2010 evaluation, the Gilliam Autism Rating Scale and the Childhood Autism Rating Scale were administered and but not included on the prior notice/consent. Therefore they were conducted without parent consent. Additional evaluation was conducted in March of 2011. A sensory profile assessment was conducted and was not included on the prior notice/ consent.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.	
Student # 7: This student was identified on child count under the category of multiple disabilities (530). During		

an October 2011 evaluation, medical information was needed and used for determining eligibility however it was not included on the prior notice /consent for evaluation.	
Student #8: This student was identified on child count under the category of cognitive disability (510). During the October 2010 evaluation, the areas of adaptive behavior and transition were evaluated without parent consent.	

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities;...

CFR 300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation the IEP.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

The amount of time to be committed to each of the various services was not clearly stated in the students' IEP.

Student:	Required Action:	Data To Be Submitted:
Student's #1, 7 and 8: Special education services to be provided were reported collectively, rather than identifying the specialized instruction the student would receive in each area of eligibility.	The IEP team must meet for each of these students and amend the "special education and related service" section of the IEPs to delineate how much specialized instruction the student will receive and the location of the service for each identified service in the students' IEP.	<ol style="list-style-type: none"> 1. Prior notice for the meeting 2. Copy of the amendment/IEP

Timeline for Completion: 30 calendar day from the report date.

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and update its policy, procedure and practice regarding the following:

- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.

- Developing an IEP that clearly state the specialized instruction in a manner that can be understood by all involved in the development and implementation the IEP.

Data To Be Submitted:

Each teacher and related service staff must submit the following documentation for one student who is initially evaluated or reevaluated since the onsite review and provision of technical assistance.

1. The prior notice/consent for evaluation
2. Copies of all the evaluation reports including skill based assessment and transition
3. Copy of the IEP

Target Date for Completion: May 1, 2012

All non-compliance must be corrected within 1 year of this report date.

Date: Status Report:

State Performance Plan – Performance Indicators

Indicator 5 – Placement of Children Age 6-21

Percent of children with IEPs aged 6 through 21:

- A. inside the regular class 80% or more of the day inside the regular class 80% or more of the day;
- B. inside the regular class less than 40% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

State Target: 65% or higher

District Rate: 53%

District Policy, Procedure and Practice: Eight students who are in the resource room setting are working skills and strategies to be moved into the general classroom. Teachers are provided in-service for differentiated instruction to aid in the improvement or scores for students.